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**FAX COVER SHEET**

**DATE:** April 15, 2005

**TO:** Examiner Esther O. Okezie  
Art Unit 3654, USPTO

Fax: 703-872-9306

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**FROM:** Kathleen M. Harleston

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**THIS IS PAGE ONE OF** 4.

**COMMENT:**

**Re:** Application No. 10/817,621

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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/817,621	
	Filing Date	April 3, 2004	
	First Named Inventor	Larry V. Weathers et al.	
	Art Unit	3654	
	Examiner Name	Esther O. Okezie	
Total Number of Pages in This Submission	3	Attorney Docket Number	1130

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CU, Number of CU(s) _____ <input type="checkbox"/> Landscape Table on CD  <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Response to Restriction/Election Requirement</b>

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Harleston Law Firm, LLC		
Signature	<i>Kathleen M. Harleston</i>		
Printed name	Kathleen M. Harleston		
Date	April 15, 2005	Reg. No.	33,398

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature	<i>Kathleen M. Harleston</i>		
Typed or printed name	Kathleen M. Harleston	Date	April 15, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 1130

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of	)	Examiner: Esther O. Okezie
LARRY V. WEATHERS ET AL.	)	Art Unit: 3654
Application No.	)	10/817,621
Filed	)	April 3, 2004
For	)	DEBRIS PACKER APPARATUS

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction/Election Requirement interposed by the Examiner on March 24, 2005, Applicants elect with traverse to prosecute the claimed invention of "Species IV": FIGS. 12-14. According to the action, Claims 1 and 2 are generic. In addition to Claims 1 and 2, the following are considered readable on the elected species of FIGS. 12-14: Claims 3, 5, 6, and 13-19. The remaining "species" claims are held in abeyance until final disposition of the elected species and claims readable thereon.

Applicants traverse this restriction requirement on the grounds that examination of the species cited would not impose a serious burden on the Examiner. According to MPEP §803, there must be a serious burden on the Examiner if restriction is required. It is believed that the amount of searching for the species listed on page 2 of the Office action would not be appreciably more than the search required for only one of the species. According to MPEP §803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even if the claims are considered to describe independent or distinct inventions. Further, it is

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respectfully suggested that a serious burden on the Examiner has not been *prima facie* shown by appropriate explanation of separate classification, separate status in the art, or different field of search, as defined in MPEP §808.02.

Applicants request allowance of the claims.

Respectfully submitted,

The Harleston Law Firm, LLC

By: Kathleen M. Harleston

Kathleen M. Harleston  
Attorney for Applicants  
Registration No. 33,398

April 15, 2005

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I hereby certify that this correspondence is being facsimile transmitted to the US Patent & Trademark Office, Fax No. 703-872-9306, on April 15, 2005.

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